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There will be no change next year in the optional work offered,¹ — the course on Massachusetts Law and Practice, and ten lectures on Patent Law. In text-books, however, there will be several welcome changes. The class in Evidence will use Professor Thayer's new collection of cases. Ultimately, it is to be hoped, Professor Smith will perform the same service for the course in Corporations; but at present his time is occupied by the preparation of "Cases on Torts," to be ready year after next, which will supplement or possibly supersede Professor Ames's collection. Meanwhile, however, the class in Corporations will make much use of the book of cases just issued by Professor Cummings of Columbia, which, except that it does not touch Municipal Corporations, follows very closely the course as given at Harvard. Finally, Professor Ames is preparing a revision of his "Cases on Trusts," in two volumes, — substantially a new book.

MUNICIPAL COAL-YARDS UNCONSTITUTIONAL. — In reply to a question from the Legislature of Massachusetts as to whether the Legislature can constitutionally authorize a city or town to buy coal and wood and to sell them to its inhabitants for fuel, five of the justices of the Supreme Court have expressed their opinion that such a law would be unconstitutional. To carry on such a business, they say, money must be raised by taxation; taxation can only be for a public purpose; selling wood and coal to inhabitants is not the sort of thing which the Constitution contemplates as a public service for which taxation may be authorized.

Mr. Justice Holmes, in dissenting from the above opinion, takes the ground that the purpose is no less public in the case of wood and coal than it is in the case of water or gas or electricity or education; and that it is for the Legislature, and not the court, to consider the necessity or expediency of such legislation.

Mr. Justice Barker, also dissenting, simply emphasizes the point that this sort of thing can be done only if it is necessary; but he leaves it to the Legislature to determine that necessity.

The opinion of the dissenting justices is clearly more consistent with that delivered by the justices two years ago, to the effect that the Legislature could authorize cities and towns to sell gas or electric light to their inhabitants,² and is also, it is submitted, correct on principle. It is for the Legislature to judge, within limits, of the exigency, and also of the public nature of the use; and so long as the resulting legislation can reasonably be said to be in a line with what has always been done, there can be no judicial question.

It should be noticed, by the way, that this is not a decision by the Supreme Court, as stated in the newspapers, but an advisory opinion delivered by the justices in response to legislative inquiry.

TRESPASS BY SUBTERRANEAN SQUEEZING. — A recent New Jersey case³ presents a rather novel instance of trespass. The declaration charged

¹ As this number goes to press, a petition to the Faculty is being numerously signed for the establishment of a course in the New York Civil Code. There would be no great reason for sunrise if such a course should be in operation when the REVIEW next appears.

² Opinion of Justices. 150 Mass. 592.

³ C's *igan v. Pennsylvania R. Co.*, 23 Atl. R. 8ro.